

## Task Code 200-202 - PROCEDURES FOR REVIEW OF PROJECTS SUBJECT TO THE NCCP 4(D) FINDINGS

### PURPOSE

To describe procedures necessary for drafting NCCP 4(d) Findings for public review in accordance with the Habitat Loss Permit (Ordinance No's 8365, 8380, 8608, 8846, 9457, and 9671), the Natural Community Conservation Planning (NCCP) Process Guidelines and Section 4(d) of the Endangered Species Act.

### OUTLINE OF PRIMARY STEPS

#### Completed by Biologist

#### Task 202 - HLP Exemption Concurrence Request and Batching Meetings

- Complete a preliminary review, or update existing Draft Findings/HLP
- Screen for HLP Exemption - Determine if the project qualifies for a HLP *de minimus*. The HLP Ordinance was amended (effective 8/13/04) to allow for HLP exemption for projects that meet certain criteria
- If a project qualifies for a *de minimus*, complete and forward a *HLP Exemption Concurrence Request* to the Wildlife Agencies. Prior to scheduling a batching meeting or updating the Draft Findings/HLP, the biological technical report and California gnatcatcher surveys (if requested) should be considered adequate by County staff. If the project design will be affected by the draft North County PAMA, the project may be taken to a batching meeting earlier on in the process to avoid future project design delays and delays on receiving HLP concurrence.
- Batching Meeting Determination - All projects that will eventually require a Habitat Loss Permit shall be taken to at least one scheduled batching meeting early in the discretionary process. In order for the agencies to have a full and fair review of the project, the biological documents (i.e. report, vegetation map, etc.) should be technically accurate in their content and depiction of the project site before a project is taken to batching.
- Attend Batching Meeting - Staff from each agency must be present, have reviewed the relevant materials and be prepared to make recommendations on each project.
- Final recommendations from County and wildlife agencies should be made at the batching meeting. However, decisions on a project may be postponed if all agencies agree that a site visit or additional information is necessary, particularly if new information is submitted at a batching meeting.

#### Task 200 - Draft NCCP 4(d) Findings and Draft Habitat Loss Permit

- Complete the Draft Findings/HLP in accordance with the guidelines and standards established under the *Southern California Coastal Sage Scrub Natural Community Conservation Planning Process Guidelines Amended: November 1993*.
- Initiate Public Review
  - The project does not rely on a previous CEQA document:
    - a. Advertise the Draft Findings/HLP for the 45-day period, along with the CEQA document
    - b. Respond to all relevant NCCP 4(d)/Habitat Loss Permit Ordinance comments. Based on public review comments, ensure that all Draft Findings/HLP have been updated.
    - c. Notify Project Manager of any relevant changes to the HLP finding
  - The project will rely on a previous CEQA document:
    - a. If the project had Draft Findings/HLP prepared but not publicly advertised OR the previous CEQA project did not prepare Draft Findings/HLP, then the Draft Findings/HLP must be advertised (without the CEQA document) for the required 45-days.
    - b. Advertise the Draft Findings/HLP for the 45-day period
    - c. Respond to all relevant NCCP 4(d)/Habitat Loss Permit Ordinance comments. Based on public review comments, ensure that all Draft Findings/HLP have been updated.

- d. Coordinate with the Project Manager – Once the project is done with public review and if comments were received that would change the conditions or the project description, incorporate those changes as necessary into the draft HLP.

#### **Task 201 - Finalize Habitat Loss Permit**

- DPW Environmental Services generally processes and finalizes the Habitat Loss Permits in association with a Grading Permit, Improvement Plan, or Clearing and Grading Permit application since Habitat Loss Permits (HLP) are valid for one year and are not issued until just prior to the approval or issuance of a grading permit, improvement plans or grading and clearing permit.. Upon finalizing the HLP, DPW Environmental Services would check for previous environmental documents and look for the draft HLP Findings.
- If the project does not have an application in for a grading permit, clearing and grading permit or improvement plans, the Habitat Loss Permit application should be withdrawn.
- Review the grading plan, improvement plan or clearing permit in conjunction with any related prior approvals or pending applications (e.g., tentative map, use permit) and identify any inconsistencies.
- Determine if draft NCCP 4(d) Findings were completed, and if biological information needs to be updated.
  - If required, updated biological information, including updated California gnatcatcher surveys shall be requested within the prepared Scoping Letter
  - As a component of the biological information, the project must prepare an exhibit that indicates locations of all impacted coastal sage scrub habitat authorized by the permit and all coastal sage scrub habitat supported on the project site.
  - If there is substantially different information and/or the biological information is inadequate or not up to date, get an assignment for task 200 and follow the procedures for completing draft NCCP 4 (D) Findings and Draft Habitat Loss Permit
- Verify that the completed Findings were circulated for the required 45-day public review period.
- County Determination and Agency Concurrence
  - Prepare the final HLP. Include any changes or revisions necessary to address significant issues that arose and incorporate any changes and/or mitigation measures requested by the wildlife agencies during the public review of the draft HLP.
  - Take the final Habitat Loss Permit, CEQA transmittal memo, all relevant CEQA information and biological technical information to the DPLU Director for signature.
  - The permit MUST be sent FedEx or overnight mail to the U.S. Fish and Wildlife Service and CA Department of Fish and Game the same day the permit is signed and issued. This ensures that a start date of the 30-day agency review is established.
  - The Notice of Determination MUST be sent out within 5 business days from the date the County signs and issues the final Habitat Loss Permit
  - The date of the joint agency letter that concurs (or implies concurrence) with the final permit becomes the start of the one-year life of the permit.
  - Request DPW place HLP conditions on the face of the grading permit.